

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

Date of mailing (day/month/year) 15 February 2002 (15.02.02)	
International application No. PCT/US01/18033	Applicant's or agent's file reference P22,901-A PCT
International filing date (day/month/year) 01 June 2001 (01.06.01)	Priority date (day/month/year) 02 June 2000 (02.06.00)
Applicant MANETTA, Vincent, E. et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
 21 December 2001 (21.12.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer ENGER Charlotte Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference P22,901-A PCT	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 01/ 18033	International filing date (day/month/year) 01/06/2001	(Earliest) Priority Date (day/month/year) 02/06/2000
Applicant DERMIK INTERNATIONAL HOLDING INC. et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☒ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

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☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 01/18033

Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

00758kage comprising components which, upon being mixed, are capable of forming a pharmaceutical composition that is effective in treating acne, the composition tending to degrade prematurely, one of the components comprising an oxidizing agent and another of the components comprising an antibiotic which is effective against acne-associated bacterial species, the components separated one from the other in the package, one component having a viscosity within about 50% of the viscosity of the other component. In addition, a package comprising: (A) components which, upon being mixed, are capable of forming a pharmaceutical composition that is effective in treating acne, one of the components comprising a benzoyl peroxide gel and another of the components comprising a gel of erythromycin and hydroxypropylcellulose; and (B) containers for holding the components in the package separated one from the other; the components having viscosities such that, upon the application of a uniform forces to the components, substantially equal volumes of the components are capable of being dispensed simultaneously from the containers.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 01/18033

A. CLASSIFICATION OF SUBJECT MATTER
 IPC 7 A61K9/06 A61K7/48

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

WPI Data, PAJ, EPO-Internal, CHEM ABS Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	GB 2 088 717 A (RORER INTERNATIONAL) 16 June 1982 (1982-06-16) claims 1-8,11,16-20	1-19, 36-38
Y	page 3, line 27 - line 47 examples 3-6	20-35
Y	US 4 954 487 A (EUGENE R. COOPER; ET AL.) 4 September 1990 (1990-09-04) examples 17,18	20-35
X	WO 99 02133 A (GIST BROCADES) 21 January 1999 (1999-01-21) claims 1-6 page 3, line 17 - line 24 page 4, line 17 - line 21 page 4, line 34 - line 37 page 6, line 9 - line 21 example 1	1-19, 36-38
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☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

° Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- * & * document member of the same patent family

Date of the actual completion of the international search

13 November 2001

Date of mailing of the international search report

21/11/2001

Name and mailing address of the ISA

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Authorized officer

Ventura Amat, A

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 01/18033

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 93 15726 A (BAROODY, LLOYD; ET AL.) 19 August 1993 (1993-08-19) claims 1,2 examples 1-13 -----	1-19, 36-38
X	CA 2 015 111 A (WOO, TOM; ET AL.) 23 October 1991 (1991-10-23) claims 1,4,5,11,13,72-79 -----	1-19, 36-38

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 01/18033

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
GB 2088717	A	16-06-1982	AR 229405 A1	15-08-1983
			AT 381452 B	27-10-1986
			AT 285581 A	15-03-1986
			AU 557147 B2	11-12-1986
			AU 7202981 A	17-06-1982
			BE 889327 A1	16-10-1981
			CA 1179599 A1	18-12-1984
			CH 656307 A5	30-06-1986
			CH 647147 A5	15-01-1985
			DE 3124698 A1	08-07-1982
			DK 273981 A	09-09-1982
			ES 503797 D0	01-03-1983
			ES 8303087 A1	01-05-1983
			FR 2495471 A1	11-06-1982
			GB 2090135 A	07-07-1982
			IE 52227 B1	19-08-1987
			IT 1210608 B	14-09-1989
			JP 57099525 A	21-06-1982
			MX 9203750 A1	01-09-1992
			MX 6555 E	10-07-1985
			NL 8102997 A	01-07-1982
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			NZ 209389 A	28-02-1985
			PH 19245 A	14-02-1986
			SE 8103925 A	09-06-1982
			US 4497794 A	05-02-1985
			US 4692329 A	08-09-1987
			ZA 8104215 A	23-02-1983
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			JP 55120514 A	17-09-1980
			AU 544969 B2	27-06-1985
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			CA 1165240 A1	10-04-1984
			DE 3172516 D1	07-11-1985
			EP 0043738 A2	13-01-1982
			IE 51377 B1	10-12-1986
			JP 1737953 C	26-02-1993
			JP 4020886 B	07-04-1992
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			NZ 197668 A	16-03-1984
			ZA 8104650 A	28-07-1982
WO 9902133	A	21-01-1999	AU 9259598 A	08-02-1999
			BR 9810985 A	15-08-2000
			CN 1262616 T	09-08-2000
			WO 9902133 A2	21-01-1999
			EP 0996428 A2	03-05-2000
			JP 2001509477 T	24-07-2001
WO 9315726	A	19-08-1993	AT 197248 T	15-11-2000
			AU 3478893 A	03-09-1993
			BR 9305884 A	19-08-1997
			CA 2130341 A1	19-08-1993
			CN 1077887 A , B	03-11-1993
			DE 69329617 D1	07-12-2000
			DE 69329617 T2	23-05-2001
			DK 626844 T3	22-01-2001

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 01/18033

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9315726	A	EP 0626844 A1	07-12-1994
		EP 0960618 A2	01-12-1999
		ES 2153377 T3	01-03-2001
		FI 943783 A	17-08-1994
		JP 7504168 T	11-05-1995
		MX 9300848 A1	31-08-1994
		NO 943045 A	17-08-1994
		NZ 249021 A	27-08-1996
		PL 171127 B1	28-03-1997
		PT 626844 T	30-03-2001
		RU 2122412 C1	27-11-1998
		SG 48195 A1	17-04-1998
		WO 9315726 A1	19-08-1993
		US 5733886 A	31-03-1998
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CA 2015111	A	23-10-1991	CA 2015111 A1
			23-10-1991

PATENT COOPERATION TREATY

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REC'D 12 JUN 2002

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

10/019822

Applicant's or agent's file reference P22,901A PCT	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US 01/ 18033	International filing date (day/month/year) 01/06/2001	Priority date (day/month/year) 02/06/2000
International Patent Classification (IPC) or national classification and IPC A61K9/06		
Applicant DERMIK INTERNATIONAL HOLDING INC. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 2 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consists of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 21/12/2001	Date of completion of this report 04/06/2002
Name and mailing address of the IPEA/  European Patent Office D-80298 Munich Tel. (+49-89) 2399-0, Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Authorized officer FLETCHER A S Tel. (+49-89) 2399 2828



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No PCT/US 01/ 18033

I. Basis of the report

The basis of this international preliminary examination is the application as originally filed.

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability

In light of the documents cited in the international search report, it is considered that the invention as defined in at least some of the claims does not appear to meet the criteria mentioned in Article 33(1) PCT, i.e. does not appear to be novel and/or to involve an inventive step (see international search report, in particular the documents cited X and/or Y and corresponding claim references).